

# **General Permit for Minor Alterations to Wetlands**

Effective Date: July 1, 2005

Expiration Date: June 30, 2010

This general permit authorizes minor alterations of up to 0.25 acre of isolated wetlands or up to 0.1 acre of non-isolated wetlands that are degraded, of low functional capacity or in situations where the proposed area lost would result in no significant change in the function and water resource values of the larger wetland system. Isolated wetlands are wetlands that are either not hydrologically connected to other waters of the state or are only connected by a wet weather conveyance.

Cumulative wetland losses for any whole project shall not exceed the acreage limits established in this permit.

Failure to comply with the terms and conditions of this permit is a violation of the *Tennessee Water Quality Control Act of 1977* and is subject to penalty in accordance with T.C.A. §69-3-115.

## **Exclusions**

This general permit shall not be used to authorize activities in the following circumstances:

- 1) when the wetlands represent a high resource value as compared to others within the ecoregion;
- 2) when all practicable measures to avoid and minimize adverse impacts to the wetlands and other waters of the state have not been employed;
- 3) where a portion of the proposed activity is located in a component of the National Wild and Scenic River System, a State Scenic River, waters designated as Outstanding National Resource Waters;
- 4) where a portion of the proposed activity is located in any waterway which is identified by the department as having contaminated sediments, and where the activity will likely mobilize the contaminated sediments;
- 5) when the proposed activity will adversely affect a species formally listed on either state or federal lists of threatened or endangered species or their critical habitat;
- 6) when the department determines that the proposed activities, either individually or cumulatively, may result in degradation to waters of the state; or
- 7) when an individual permit is otherwise required.

Projects not qualifying for authorization under this general permit, may be authorized by an individual permit, provided that all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

## **Notification**

Applicants proposing to alter wetlands under this general permit shall notify the division by submission of an original, signed application (form CN-1091) along with the following minimum information:

- (a) a cover letter explaining the scope of the project;
- (b) a USGS topographical map showing the exact location of the proposed project;
- (c) a description of the wetland to be altered including boundaries, vegetation and hydrologic characteristics; and
- (d) a single copy of construction plans and drawings which include all dimensions and specifications for the proposed work, as well as pollution control methods and/or structures.

Work shall not commence until the applicant has received written authorization from the division that proposed activities may proceed under this general permit or that an individual permit has been issued.

All activities covered under this general permit shall comply with all terms and conditions contained hereinafter.

## **Terms and Conditions**

- 1) The work shall be accomplished in conformance with the accepted plans, specifications, data and other information submitted in support of the above mentioned application and the limitations, requirements, and conditions set forth herein.

- 2) Applicant is responsible for obtaining the necessary authorization pursuant to applicable provisions of §10 of *The Rivers and Harbors Act of 1899*; §404 of *The Clean Water Act* and §26a of *The Tennessee Valley Authority Act*, as well as any other federal, state or local laws.
- 3) Applicant is responsible for obtaining coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Construction Activities for construction sites involving clearing, grading or excavation that result in an area of disturbance of one or more acres, and activities that result in the disturbance of less than one acre if it is part of a larger common plan of development or sale.
- 4) Wetlands alterations authorized by this general permit shall be part of a single and complete project. This general permit shall not be used in incremental means to combine with other projects to alter larger areas of wetlands.
- 5) The wetlands alterations shall not adversely affect the functions and classified use support of adjacent wetlands or to other waters of the state.
- 6) Materials used in wetlands alteration projects shall be free of contaminants, including toxic pollutants, hazardous substances, waste metal, construction debris and other wastes as defined by T.C.A. 69-3-103(18).
- 7) The excavation and fill activities associated with the wetlands alteration shall be kept to a minimum.
- 8) Excavated materials, removed vegetation, construction debris, and other wastes shall be removed to an upland location and properly stabilized or disposed of in such a manner as to prevent reentry into the waterway.
- 9) Sediment shall be prevented from entering waters of the state. Erosion and sediment controls shall be designed according to the size and slope of disturbed or drainage areas to detain runoff and trap sediment and shall be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices.
- 10) Erosion and sediment control measures shall be in place and functional before earth moving operations begin, and shall be constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the work day, but shall be replaced at the end of the work day.
- 11) Checkdams shall be utilized where runoff is concentrated. Clean rock, log, sandbag or straw bale checkdams shall be properly constructed to detain runoff and trap sediment. Checkdams or other erosion control devices are not to be constructed in stream. Clean rock can be of various type and size, depending on the application. Clean rock shall not contain fines, soils or other wastes or contaminants.
- 12) Sediment should be removed from sediment traps, silt fences, sedimentation ponds, and other sediment controls as necessary, and shall be removed when design capacity has been reduced by 50%. Discharges from sediment basins and traps shall be through a pipe or lined or well-grassed channel so that the discharge does not cause erosion.
- 13) Litter, construction debris, and construction chemicals exposed to storm water shall be picked up prior to anticipated storm events (e.g. forecasted by local weather reports), or otherwise prevented from becoming a pollutant source for storm water discharges (e.g., screening outfalls, daily pick-up, etc.). After use, silt fences should be removed or otherwise prevented from becoming a pollutant source for storm water discharges.
- 14) Clearing, grubbing and other disturbance to the riparian vegetation shall be kept at the minimum necessary for slope construction, equipment operations and project completion. Unnecessary riparian vegetation removal, including trees, is prohibited.
- 15) Pre-construction vegetative ground cover shall not be destroyed, removed or disturbed more than 10 calendar days prior to grading or earth moving unless the area is seeded and/or mulched or other temporary cover is installed.
- 16) Stabilization measures shall be initiated within seven days after the construction activity has temporarily or permanently ceased.
- 17) Temporary or permanent soil stabilization shall be accomplished within 15 days after final grading or other earth work. Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable.
- 18) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills shall be reported to the appropriate emergency management agency and to the division. In the event of a spill, measures shall be taken immediately to prevent pollution of waters of the state, including groundwater.

- 19) This general permit does not authorize impacts to cultural, historical or archaeological features or sites.
- 20) The division will establish an expiration date for coverage under this general permit that is specific to the authorization and separate from the general permit expiration date.

APPROVED: Paul E. Davis  
Paul E. Davis, Director, Water Pollution Control

DATE: 6-30-05